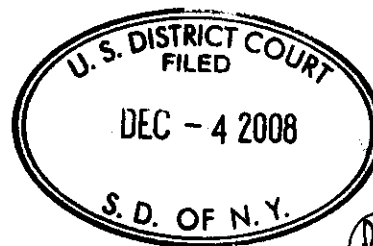


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
500 Pearl Street, New York, NY 10007



PRO SE OFFICE

TIMOTHY C. DURAN

Plaintiff Pro Se

07 Civ 11584 (CM) (DFE)

against

**NOTICE OF  
INTERLOCUTORY  
APPEAL IN A CIVIL CASE**

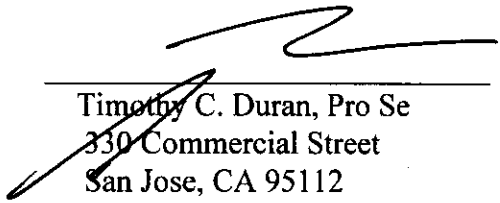
J. C. REFINISHING CONTRACTING CORP.,  
TYLMAN R. MOON & ASSOCIATES, P. A. and  
HARVEY HOME ELECTRONICS

Defendants

Notice is hereby given that Timothy C. Duran, Plaintiff Pro Se, hereby appeals to the United States Court of Appeals for the Second Circuit from the order of Judge McMahon, in denying further discovery dated November 17, 2008.

Dated: San Jose, California

December 3, 2008

  
\_\_\_\_\_  
Timothy C. Duran, Pro Se  
330 Commercial Street  
San Jose, CA 95112

PHONE: 408-275-1555

FAX: -287-6075